

# **EXHIBIT C**

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10 as Trustee of SORENSEN RESEARCH AND  
DEVELOPMENT TRUST

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12 **UNITED STATES DISTRICT COURT**  
13 **FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

14 JENS ERIK SORENSEN, as Trustee of ) Case No. 08-CV-0095 JW  
15 SORENSEN RESEARCH AND )  
16 DEVELOPMENT TRUST, ) **DEPOSITION NOTICE**  
17 ) **FOR DEFENDANT LEXAR MEDIA,**  
Plaintiff ) **INC., re PROCESS (FED. R. CIV. P. §**  
18 v. ) **30(B)(6))**  
19 )  
20 LEXAR MEDIA, INC., a Delaware ) To be recorded Stenographically and  
corporation; and DOES 1 – 100, ) video recording.  
21 )  
Defendants. ) DATE: August 15, 2008  
22 ) TIME: 10:00 A.M.  
23 ) LOCATION:  
and related counterclaims. ) Weil, Gotshal & Manges LLP  
24 ) 201 Redwood Shores Parkway  
25 ) Redwood Shores, CA 94065  
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1 TO DEFENDANT LEXAR MEDIA, INC. AND ITS ATTORNEYS OF RECORD:

2 **PLEASE TAKE NOTICE** that pursuant to Rule 30(b)(6), Fed. R. Civ.  
 3 P., Plaintiff Jens Erik Sorensen as Trustee of the Sorensen Research & Development  
 4 Trust ("SRDT"), will take the deposition of Defendant Lexar Media, Inc. ("Lexar"),  
 5 commencing on August 15, 2008 at 10:00 a.m., and continuing thereafter day-to-day  
 6 until completed, at the offices of Weil, Gotshal & Manges LLP, located at 201  
 7 Redwood Shores Parkway, Redwood Shores, CA 94065 or at a conference room  
 8 nearby to be designated by Plaintiff in the event that Weil, Gotshal, *et al*, is  
 9 unwilling or unable to accommodate the deposition, or at such other time and  
 10 location as shall subsequently be agreed to by the parties.

11 The deposing party will record the deponent's testimony by real time  
 12 stenographic means (through instant visual display of the testimony) and  
 13 videography. All parties and their respective counsel are invited to attend and cross-  
 14 examine.

15 On that date and at that location, SRDT shall take the deposition of Lexar  
 16 Corp's designated person(s) most knowledgeable witness with regard to the topics  
 17 identified in the **TOPICS FOR EXAMINATION** below.

### 18 **DEFINITIONS**

19 1. "Lexar Media, Inc.", "Lexar", "you", "your", and "Defendant" shall  
 20 mean and include the named defendant, Lexar Media, Inc., to whom these requests  
 21 for document production are addressed and include any and all subsidiaries,  
 22 divisions, branches, affiliates, predecessors or successors in business, parents, and  
 23 wholly or partially owned entities of Lexar Media, Inc., and any entities acting or  
 24 purporting to act for the foregoing or who are subject to the direction or control of  
 25 the foregoing, including any present or former agents, employees, officers, directors,  
 26 insurance companies, attorneys, accountants, investigators, and consultants of the  
 27 foregoing.  
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1           2.     “Plaintiff” or “SRDT” means the plaintiff in this lawsuit, Jens Erik  
2     Sorensen as Trustee of the Sorensen Research & Development Trust.

3           3.     In case of doubt as to the scope of a clause including “and”, “or,” “any,”  
4     “all,” “each” or “every” the intended meaning is inclusive rather than exclusive.

5           4.     The term “patent in suit” or “the ‘184 patent” means United States  
6     Patent No. 4,935,184, issued on June 19, 1990.

7           5.     The term "document" means any medium in the possession, custody or  
8     control of Lexar for storing or recording written or spoken words or symbols or  
9     sounds or any communication or thing that is capable of sensory perception within  
10    the broad context of Rule 34, Fed. R. Civ. P., including without limiting the  
11    generality of the foregoing, each original, master, and every non-identical copy or  
12    reproduction of any and all written documents, papers, letters, correspondence,  
13    agreements, contracts, licenses, studies, surveys, notices, bulletins, circulars,  
14    facsimiles, pamphlets, minutes of meetings, memoranda of conversations,  
15    memoranda of meetings, intracompany memoranda, notes, including notes from  
16    telephone or other conversations, and notes from meetings, diaries, desk calendars,  
17    appointment books, transcripts, time sheets, logs, job and transaction files, abstracts,  
18    reports, journals, magnetic tapes, teletype messages, telegrams, radiograms,  
19    cablegrams, maps, graphic matter, microfilm, photographs, video tapes, any other  
20    visual recordings, sound recordings, electronic recordings of every kind, any  
21    computer or other machine readable storage medium, disks, floppy disks, diskettes,  
22    CD-ROMs, and working papers and drafts, whether or not used at any time. For  
23    purposes of these document requests, any such document bearing on any part  
24    thereof, any marks, such as initials, stapled indicia, comment or notation, of any  
25    character not part of the original document, is to be considered and identified as a  
26    separate document.  
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1           6.     “Agreement” or “license” includes any license or indemnification  
2 agreement, sublicense agreement, cross-license, or any agreement or contract  
3 including a provision(s) granting a license, sublicense, cross-license, rights, or  
4 permission to develop, manufacture, use or sell; including any modification or  
5 addenda to any of the foregoing.

6           7.     The words “relate to”, “relating to”, or “regarding” or “reflect” means in  
7 any way, directly or indirectly, referring to, alluding to, responding to, concerning,  
8 connected with, commenting on, in respect of, about, regarding, discussing, showing,  
9 describing, mentioning, respecting, analyzing, constituting, evidencing or otherwise  
10 pertaining to, directly or indirectly, in whole or in part.

11           8.     “Communication” means any oral or written utterance, notation, or  
12 statement of any nature whatsoever, specifically including, but not limited to, letters,  
13 personal or telephonic conversations, discussions, interviews, or consultations; any  
14 type of telegraphic, telecommunicated, or telecopied message; any type of  
15 electronically received, transmitted, or stored message, note, letter, memorandum, or  
16 correspondence; and any writing that evidences or reflects any such communication.

17           9.     “Person” and “entity” include any legal entity, including but not limited  
18 to individuals, corporations, not-for-profit organizations, sole proprietorships,  
19 partnerships, associations, joint ventures, unincorporated associations, and  
20 cooperatives or any other entity, and all present and former directors, officers,  
21 partners, agents, employees, representatives, consultants, experts, attorneys, and all  
22 others acting or purporting to act for or on behalf of such person.

23           10.    “Prior art” of a patent means all publications, patents, physical devices,  
24 prototypes, uses, sales, offers for sale or other activity relating to the subject matter  
25 of the patent and having or occurring at a date such as to be relevant under any  
26 subdivision of 35 U.S.C. § 102 or 35 U.S.C. § 103.  
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11. “Accused Products” refers to the external plastic shell or casing of all LEXAR MEDIA JumpDrive 128MB, LEXAR MEDIA JumpDrive 64MB, LEXAR MEDIA JumpDrive 256MB, LEXAR MEDIA JumpDrive 512MB, and LEXAR MEDIA JumpDrive 1GB models manufactured, imported, offered for sale or sold in the United States during the period from January 7, 2002 through, February 8, 2008, inclusive, and all other Lexar products manufactured with the same or similar processes manufactured, imported, offered for sale or sold in the United States during the same period.

12. “184 patented process” means the process set forth in U.S. Patent No. 4,935,184.

13. “Identify” with respect to documents shall mean to list by date, author, recipient, general description of contents, and location of document.

### **TOPICS FOR EXAMINATION**

#### **Topic Number 1:**

For all of the Accused Products, be able to answer detailed technical questions regarding the manufacturing process utilized to form the plastic parts of the Accused Products, including, but not limited to, questions with regard to whether or not any units were manufactured utilizing two plastic injections with any common mold part for any time periods during January 7, 2002 through February 5, 2008, inclusive.

#### **Topic Number 2:**

For all of the Accused Products, be able to provide the foundation and basis, that is, the source, of all information used to answer technical questions regarding the manufacturing process utilized to form the plastic parts of the Accused Products, including, but not limited to, questions with regard to whether or not any units were manufactured utilizing two plastic injections with any common mold part for any time periods during January 7, 2002 through February 5, 2008, inclusive. This

1 foundational basis includes documents, witnesses, personal inspections or other  
2 sources for the information to which the deponent is testifying.

3 DATED July 21, 2008.

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5 JENS ERIK SORENSEN, as Trustee of  
6 SORENSEN RESEARCH AND DEVELOPMENT  
7 TRUST, Plaintiff

8 /s/ J. Michael Kaler

9 J. Michael Kaler  
10 Melody A. Kramer  
11 Patricia A. Shackelford  
12 Attorneys for Plaintiff  
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**PROOF OF SERVICE**

I, J. Michael Kaler, declare: I am and was at the time of this service working within in the County of San Diego, California. I am over the age of 18 year and not a party to the within action. My business address is the Kaler Law Offices, 9930 Mesa Rim Road, Suite 200, San Diego, California, 92121. I am a member of the State Bar of California and the Bar of this Court.

On July 21, 2008, I served on the parties to this action the following documents:

DEPOSITION NOTICE FOR DEFENDANT LEXAR MEDIA, INC., re PROCESS (FED. R. CIV. P. § 30(B)(6))

PERSON(S) SERVED	PARTY(IES) SERVED	METHOD OF SERVICE
Jared Bobrow <a href="mailto:jared.bobrow@weil.com">jared.bobrow@weil.com</a> Joseph Lee <a href="mailto:Joseph.lee@weil.com">Joseph.lee@weil.com</a> Weil, Gotshal & Manges LLP 201 Redwood Shores Parkway Redwood Shores, CA 94065	Lexar Media, Inc.	Email-- to an email address represented to be the correct email address for the addressee.

- ☐ (Personal Service) I caused to be personally served in a sealed envelope hand-delivered to the office of counsel during regular business hours.
- ☐ (Federal Express) I deposited or caused to be deposited today with Federal Express in a sealed envelope containing a true copy of the foregoing documents with fees fully prepaid addressed to the above noted addressee for overnight delivery.
- ☐ (Facsimile) I caused a true copy of the foregoing documents to be transmitted by facsimile machine to the above noted addressees. The facsimile transmissions were reported as complete and without error.
- ☒ (Email) I emailed a true copy of the foregoing documents to an email address represented to be the correct email address for the above noted addressee.
- ☐ (Email--Pleadings Filed with the Court) Pursuant to Local Rules, I electronically filed this document via the CM/ECF system for the United States District Court for the Southern District of California.
- ☐ (U.S. Mail) I mailed a true copy of the foregoing documents to a mail address represented to be the correct mail address for the above noted addressee.



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3 I declare that the foregoing is true and correct, and that this declaration was executed on  
4 Monday, July 21, 2008, in San Diego, California.

5 /s/ J. Michael Kaler

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7 J. Michael Kaler  
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